

**REMARKS**

In the Office Action, the Examiner indicated that Claims 1 through 17 are pending in the application, that Claims 4, 6-11, 14 and 16 are withdrawn, and that Claims 1-3, 5, 12, 13, 15, and 17 are rejected.

**Objections to the Claims**

On page 2 of the Office Action, the Examiner objected to Claims 2 and 13, asserting that they are not clear as to whether the key and its transponder are being positively claimed. Claims 2 and 13 have been amended to further define the key slot as adapted to receive a mechanical key. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objection to the claims.

**Amendments to the Claims**

Independent Claims 1, 12 and 13 have been amended to further define the invention as novel and/or non-obvious over the prior art. Specifically, each independent claim has been amended to further define the rotatable key cylinder. Support for the claim amendments can be found at page 5, line 26 – page 6, line 6 as well as page 15, lines 17-19 of the present specification.

**Rejections under 35 U.S.C. §§102 and 103**

On page 2 of the Office Action, the Examiner rejected Claims 1, 3, and 12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,522,394 to Bellrose.

On page 3 of the Office Action, rejected Claims 2, 13, 15, and 17 under 35 U.S.C. §103(a) as being unpatentable over Bellrose in view of U.S. Patent No. 5,982,295 to Goto et al. ("Goto"). Also on page 3 of the Office Action, the Examiner rejected Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Bellrose in view of U.S. Patent No. 1,748,255 to Tibbetts ("Tibbetts").

### **The Present Invention**

The present invention is a switch device for starting and stopping an engine. The switch device includes a key cylinder having a key slot, and a push button switch that surrounds the key slot. The push button switch is pushed inward to start or stop the engine, and when pushed inward in the described manner, the push button moves inward independently of inward movement of the key cylinder. Specifically, claim 1 recites: "a push button switch pushed to stop or start the engine, the push button switch including a push button surrounding the key slot, wherein application of a pushing force to said push button moves said push button inward independent of inward movement of said key cylinder" (lines 4-7). Additionally, the key cylinder is rotatable independently from the push button switch. This provides a means for starting the engine should the push button fails. Claim 1 specifically recites: "the key cylinder is rotatable independently from the push button switch when a mechanical key is inserted into the key slot." (lines 8-10).

U.S. Patent No. 3,522,394 to Bellrose

U.S. Patent No. 3,522,394 to Bellrose teaches a key operated ignition switch which includes a rotational switch that rotates around the ignition switch to turn on (or off) the headlights. By placing the controls for the headlights at the ignition switch, Bellrose insures that the headlights can only be on when a car is operating. By insuring this, battery drain due to headlights being left on while the car is not running is eliminated.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *Prima Facie* Case of Anticipation

As noted above, the present claimed invention includes a switch device for starting and stopping an engine, wherein application of a pushing force to the push button moves the push button inward independent of inward movement of the key cylinder. When starting of the engine is authorized, the action of pushing the button inward causes the engine to be started. This is neither taught nor suggested by any of the references.

First, the system of Bellrose does not include a push button switch. The switch referred to by the Examiner (switch 24) is a rotational switch which rotates about the key

cylinder. Second, the switch referred to by the Examiner is not for starting or stopping an engine, but rather is for turning on and off headlights. In Bellrose, starting or stopping the car engine is directly controlled by rotating a key in the key-operated ignition switch. These two features of Bellrose are in direct contrast to the present claimed invention which specifically claims "a push button switch pushed to stop or start the engine".

The structure of the claimed invention provides many benefits. First, since the engine can be started with either the push button or with a key, a user who normally uses the push button switch to start the engine can easily locate the key slot. Conversely, a user who normally uses the key cylinder to start the engine can easily locate the push button. Further, the stationary nature of the key cylinder prevents a user who accidentally touches both the push button and the key cylinder at the same time (e.g., with the palm of his or her hand) from moving the push button. This prevents accidental starting of the vehicle using the push button. Many other benefits are described in the specification, none of which can be achieved by Bellrose.

Additionally, Bellrose does not disclose that the key cylinder (10, 20) is rotatable independently from the push button switch (31) when a mechanical key (40) is inserted into the key slot (11), as recited in amended claims 1 and 12. Rather, Bellrose discloses the key rotor 28 having the switch shaft 55 rotatable with the contactor spindle 21 (see column 3, lines 22-26). Accordingly, the present invention distinguishes over Bellrose.

The addition of Tibbetts and Goto does not render the claimed invention obvious. Neither Bellrose nor Goto discloses that the key cylinder (10, 20) is rotatable independently from the push button switch (31) when a mechanical key (40) is inserted into the key slot (11),

as recited in amended Claim 13. Furthermore, since Claims 2, 15 and 17 respectively depend from Claims 1 and 13 and neither Bellrose nor Goto disclose the above feature of the present invention, those claims are patentable over Bellrose in view of Goto. Since Claim 5 depends from Claim 1 and neither Bellrose nor Tibbetts disclose the above feature of the present invention, Claim 5 is patentable over Bellrose in view of Tibbetts.

For the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §§102 and/or 103.

**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,

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Date

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